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GE American  
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Alexander P. Humphrey, IV  
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OCT 26 1995

October 26, 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Subject: IB Docket No. 95-117  
Streamlining the Commission's Rules and Regulations for Satellite  
Applications and Licensing Procedures

Dear Mr. Caton:

GE American Communications, Inc. hereby requests to file the attached Reply Comments in the above-referenced matter one day late. The reason for this delay is that unanticipated problems of clearance prevented filing of these Reply Comments on time.

Because these are Reply Comments, they will not prejudice any party. In addition, the one-day delay should not prevent the Commission from resolving this matter in a timely way.

Respectfully,

Mark P. Bresnahan  
For Alexander P. Humphrey, IV

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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**OCT 26 1995**

In the Matter of )  
)  
Streamlining the Commission's Rules and ) IB Docket No. 95-117  
Regulations for Satellite Application and )  
Licensing Procedures )

**FEDERAL COMMUNICATIONS COMMISSION**  
**OFFICE OF SECRETARY**

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**REPLY COMMENTS OF**  
**GE AMERICAN COMMUNICATIONS, INC.**

In its opening comments in this docket, GE American Communications, Inc. (GE Americom) welcomed the Commission's proposal to simplify its rules for licensing satellite earth stations and space stations. These will allow satellite operators to reconfigure their operations swiftly and relatively effortlessly in order to meet changing customer demands by taking certain routine and non-controversial actions by notifying the Commission, rather than undergoing the regulatory lag involved in prior approval. This step is welcomed, since it will free up the Commission's administrative resources and those of satellite operators to concentrate on more important customer-related issues. We therefore commend the Commission for the initiatives proposed in this rulemaking and urge their adoption, with only slight modification and fine-tuning.

At the same time, GE Americom cautioned that public notice is required in certain areas where the notification process would replace the application process, such as in the

case of a party wishing to begin pre-authorization construction of a satellite<sup>1</sup> or an operator wishing to place its satellite in inclined orbit. Valuable user and competition-related objectives are served by public notice procedures in these instances.

As would be expected, the Commission's proposals received broad support by all segments of the satellite industry, including satellite users. This being the case, GE Americom's comments will be brief, limited to amplifying on the comments of Orion Network Services, Inc. (Orion). Orion suggests that changing a domestic earth station into an international earth station is a "minor" modification that should be accomplished by notice rather than prior Commission authorization. Orion properly limits its proposal to allowing licensed receive-only stations to notify the Commission when their operators wish to receive the signals of "domestic or U.S. licensed separate system satellites"<sup>2</sup> -- as distinct from cases where earth station licensees propose to receive signals from foreign satellites.

GE Americom has no opposition to Orion's proposals, as they are presently stated. But we would oppose expanding the right of licensed or unlicensed receive-only earth stations to use notice procedures to modify their licenses in order to receive programming from foreign satellites that are not licensed by the Commission. There are sound public policy reasons that outweigh the simplicity involved in the notification process to require prior

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<sup>1</sup> GE Americom also proposed that notification to construct a satellite be contingent upon an application on file to launch and operate that satellite or to use it as a ground spare, which even under the Commission's present procedures, is normally placed on public notice.

<sup>2</sup> Comments at 3.

Commission approval in such cases. In the *Effective Market Access* rulemaking,<sup>3</sup> the Commission is considering whether to change its licensing policies in order to impose reciprocal restrictions on U.S. affiliates of foreign carriers whose home countries discriminate against U.S. carriers. In its reply in the *Effective Market Access* rulemaking, GE Americom proposed that the Commission use its earth station licensing policies to control access to earth stations by foreign satellites whose home countries do not give U.S. satellites reciprocal rights or otherwise discriminate against U.S. carriers. The need for the Commission to control access by foreign satellite carriers whose home countries deny reciprocal rights was also raised by GE Americom in its reply comments in the *Domestic/International FSS* rulemaking.<sup>4</sup>

We do not understand the Commission's proposal to allow satellite earth stations to streamline their applications as abandoning its regulations, particularly those that have to do with the restrictions on earth stations with respect to foreign satellites. That having been said, it would seem that, at least until the Commission resolves this question in the *Effective Market Access* and *Domestic/International FSS* rulemakings, it would be a more prudent course for the Commission to examine earth station operators' proposals to receive signals from a foreign satellite on a case-by-case basis, rather than give what amounts to a blanket waiver of such rules. This is not to say that the public interest

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<sup>3</sup> NPRM, *Market Entry and Regulation of Foreign-Affiliated Entities*, Docket FCC No. 95-53, 10 FCC Rcd 4844 (1995).

<sup>4</sup> NPRM, *Amendments to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellites*, IB Docket No. 95-42, 10 FCC Rcd 7789 (1995)

disfavors proposals for earth stations to receive programming from foreign satellites but only that the Commission should have an opportunity to examine them before they are implemented. Any proposal to allow a U.S. licensed earth station to downlink signals from a foreign satellite can raise serious issues that the Commission may wish to explore in depth.<sup>5</sup>

In GE Americom's opinion, for the Commission to require an earth station licensee to have prior approval in hand before receiving programming from a foreign satellite would not needlessly burden licensees or the Commission's resources. Many applicants for earth station authority ask for the right to access foreign satellites when they file their initial applications. This permits an opportunity for the Commission to consider the policy implications of licensing an earth station for such use before authorizing this use. However, the issue is equally important when a licensee later decides to access programming from foreign satellites *after* it receives its initial authorization. The Commission should preserve its ability to review competition questions by continuing to require earth station licensees to receive prior consent before accessing a foreign satellite. Therefore, this is too important an issue to be dealt with by notice alone.

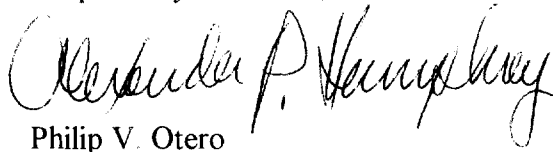
The Commission should move swiftly to adopt the proposed amendments, revised and fine-tuned as suggested in GE Americom's initial comments. However, it should continue to require prior approval when an earth station licensee seeks to amend its license

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<sup>5</sup> See application of Vision Accomplished, 966-DSE-MP/L-95 (to receive signals of Japanese satellites).

to access a foreign satellite.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander P. Humphrey". The signature is written in a cursive, flowing style with a large initial 'A'.

Philip V. Otero

Alexander P. Humphrey

GE AMERICAN COMMUNICATIONS, INC.

1750 Old Meadow Road

McLean, VA 22102

Oct. 26, 1995

Certificate of Service

I, Wanda M. Latta, hereby certify that on this 26th day of October, 1995, copies of the foregoing Reply Comments of GE American Communications, Inc., in the matter of Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, IB Docket No. 95-117, have been served by first-class United States mail, postage prepaid, on the parties who filed comments in this matter.

A handwritten signature in black ink that reads "Wanda M. Latta". The signature is written in a cursive, flowing style.

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Wanda M. Latta

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